

Notice of Allowability

Application No.

09/448,253

Examiner

Cristina Owen Sherr

Applicant(s)

BELL ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed 03/24/2005.
2. ☒ The allowed claim(s) is/are 7,8 and 13-24.
3. ☒ The drawings filed on 24 November 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

1. This communication is in response to the Appeal Brief filed March 24, 2005.

Claims 1-8 and 13-24 are pending in this case.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. John Rogitz, Reg. No. 33,549 on June 21, 2005.

3.1 The application has been amended as follows:

Claims 1-6 have been canceled.

In claim 7 change:

"computer readable code means for processing" to

means for processing –

"computer readable code means for receiving" to

means for receiving –

"computer readable code means for permitting" to

means for permitting –

In claim 8 change:

"computer readable code means for determining" to

means for determining –

“computer readable code means for preventing” to
means for preventing –

In claim 21 change:

“... A program of instructions ...” to
a program of computer readable instructions - - .

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:
5. The closest prior art of record shows:
 - (1) Cookson (US 5,591,365) discloses a copy protection control system.
 - (2) Moskowitz et al (US 5,822,432) discloses a method for human-assited random key generation and application for digital watermarking.
 - (3) Rhoads (US 5,636,292) discloses steganography methods employing embedded calibration data.
 - (4) Kojima et al (JP02004022000A0 discloses a recording/reproducing device and data reading method.
 - (5) Yuasa et al (JP02004326552A) discloses a data fiddle detection method and electronic device.
 - (6) Koninklijke Philips Electronic N.V. (WO 2004/112399) discloses raising detectability of additional data in a media signal having few frequency components.
6. Applicant's set of claims consists of claims 7-8 and 13-24.
7. Independent claim 7 is directed to a computer program storage device with instructions for detecting whether a request to compress and record digitized music

should be granted. This claim identified the uniquely distinct feature applying a cryptographic hash solely to the segment of music without applying a user identification. Because nothing in the prior art identifies or suggests the latter feature, independent claim 7 and its dependent claim 8 are deemed allowable.

8. Independent claim 13 is directed at a method for facilitating compression and storage of music. This claim identified the uniquely distinct feature applying a cryptographic hash solely to the segment of music without applying a user identification. Because nothing in the prior art identifies or suggests the latter feature, independent claim 13 and its dependent claims 14-20 are deemed allowable.

9. Independent claim 21 is directed to a computer program storage device with instructions for detecting whether a request to compress and record digitized music should be granted. This claim identifies the uniquely distinct feature of processing only the segment of music in order to obtain the test digital signature.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

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12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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